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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application

Inventor: Katsuhiko HIRAMATSU Group Art Unit: 2684
Appln. No.: 09/857,030 Examiner: A. Gantt
Filed: May 31, 2001
For: RADIO COMMUNICATION APPARATUS AND TRANSMISSION POWER
CONTROL METHOD

CERTIFICATION UNDER 37 CFR §1.97(e) (1)

Assistant Commissioner of Patents
Washington, DC 20231

Dear Sir:

In fulfillment of 37 CFR 1.97(c) (1) and 1.97(e) (1), it is hereby certified that each item of information contained in the attached Information Disclosure Statement was first cited in any communication (see the attached copy of a Japanese Office Action dated November 16, 2004) from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Respectfully submitted,

Date: January 24, 2005

James E. Ledbetter
Registration No. 28,732

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INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents
Washington, DC 20231

Dear Sir:

Pursuant to Rules 56 and 99, Applicants hereby call the attention of the Patent Office to the art listed on the attached Form PTO 1449. JP '594 was cited in a Japanese Office Action dated November 16, 2004 (English translation attached). US '844 corresponds to JP '594.

Applicants present this art so that the Patent Office may, in the first instance, determine any relevancy thereof to the presently claimed invention, see Beckman Instruments, Inc. v. Chemtronics, Inc., 439 F.2d 1369, 1380, 165 USPQ 355, 364 (5th Cir. 1970). Also see Patent Office Rules 104 and 106. Applicants respectfully request that this art be expressly considered during the prosecution of this application and made of record herein and appear among the "References Cited" on any patent to issue herefrom.

Respectfully submitted,

James E. Ledbetter
Registration No. 28,732

Date: January 24, 2005

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FORM PTO-1449 U.S. Department of Commerce
(Rev. 4/92) Patent and Trademark Office

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use several sheets if necessary)

ATTY. DOCKET NO.

L9289.01145

SERIAL NO.

09/857.030

APPLICANT

Katsuhiko HIRAMATSU

FILING DATE

May 31, 2001

GROUP

2684

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Japanese Office Action dated November 16, 2004 with English translation

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation is considered, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.